

**Representative Kenneth W. Sumsion** proposes the following substitute bill:

**COMMUNITY COUNCIL ELECTIONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kenneth W. Sumsion**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Strategic Planning Act for Educational Excellence by amending provisions for the election of members of school community councils.

**Highlighted Provisions:**

This bill:

- ▶ adds provisions for conducting elections of members of school community councils by secret ballot;

- ▶ requires the principal of the school, or the principal's designee, to provide notice of the available community council positions at least 21 days before the date of the election, in order to allow candidates to file for office;

- ▶ requires candidates to file a written declaration of candidacy with the principal of the school, or the principal's designee, no later than 15 days before the election;

- ▶ requires that a notice of the election for parent or guardian members include a list of candidates that have filed, and the dates, location, and hours that the voting will be open, which shall include evening hours, not less than two weeks before the election;

- ▶ provides procedures for elections of parent or guardian members, including requirements that:



- the principal of the school, or the principal's designee, act as the chief election judge for the election;
- the chief election judge appoint other elections judges to ensure that at least two election judges are present during voting and tabulation of the results, that only qualified individuals vote, and that ballots are secure;
- voters sign the list of qualified voters next to their name before being given a ballot;
- the election judges tabulate the results and keep the election materials for a certain period after the election; and
  - makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill coordinates with H.B. 254, School Community Council Amendments, by substantively modifying language.

**Utah Code Sections Affected:**

AMENDS:

**53A-1a-108**, as last amended by Laws of Utah 2006, Chapter 119

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-1a-108** is amended to read:

**53A-1a-108. School community councils authorized -- Duties -- Composition -- Election procedures and selection of members.**

(1) As used in this section:

(a) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who is attending the school or who will be enrolled at the school at any time during the parent's or guardian's initial term of office.

(ii) "Parent or guardian member" may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week.

(b) "School employee member" means a member of a school community council who

57 is a person employed at a school by the school or school district, including the principal.

58 (2) Each public school, in consultation with its local school board, shall establish a  
59 school community council at the school building level.

60 (3) (a) Each school community council shall:

61 (i) develop a school improvement plan in accordance with Section 53A-1a-108.5;

62 (ii) develop the School LAND Trust Program in accordance with Section  
63 53A-16-101.5;

64 (iii) assist in the development and implementation of a staff professional development  
65 plan as provided by Section 53A-3-701;

66 (iv) develop a child access routing plan in accordance with Section 53A-3-402; and

67 (v) advise and make recommendations to school and school district administrators and  
68 the local school board regarding the school and its programs, school district programs, and  
69 other issues relating to the community environment for students.

70 (b) In addition to the duties specified in Subsection (3)(a), a school community council  
71 for an elementary school shall develop a reading achievement plan in accordance with Section  
72 53A-1-606.5.

73 (4) (a) Each school community council shall consist of school employee members and  
74 parent or guardian members in accordance with this section.

75 (b) Except as provided in Subsection (4)(c):

76 (i) each school community council for a high school shall have six parent or guardian  
77 members and five school employee members, including the principal; and

78 (ii) each school community council for a school other than a high school shall have  
79 four parent or guardian members and three school employee members, including the principal.

80 (c) (i) A school community council may have a larger membership provided that the  
81 number of parent or guardian members exceeds the number of school employee members.

82 (ii) A school community council may have a smaller membership provided that:

83 (A) the number of parent or guardian members exceeds the number of school employee  
84 members; and

85 (B) there are at least two school employee members on the school community council.

86 (5) (a) Each school employee member, except the principal, shall be elected by secret  
87 ballot by a majority vote of the school employees and serves a two-year term beginning July 1.

88 The principal shall serve as an ex officio member with full voting privileges.

89 (b) (i) Each parent or guardian member shall be elected by secret ballot at an election  
90 held at the school by a majority vote of those voting at the election and serves a two-year term  
91 beginning July 1.

92 (ii) Only parents or guardians of students attending the school may vote at the election  
93 under Subsection (5)(b)(i).

94 (c) (i) The principal of the school, or the principal's designee, shall provide notice of  
95 the available community council positions to school employees, parents, and guardians of the  
96 school at least 21 days before the date voting commences for the elections held under:

97 (A) Subsection (5)(a); and

98 (B) Subsection (5)(b).

99 (ii) The notice shall include:

100 (A) the day or days during which voting will be open for the pending election;

101 (B) a list of council positions that are up for election; and

102 (C) instructions on filing for a community council position.

103 (iii) In addition to providing notice under Subsection (5)(c)(i), the principal, or the  
104 principal's designee, shall post the notice in an easily visible place near the school's main  
105 office.

106 [(iii)] (iv) Any ~~[parent or guardian of a student]~~ person who meets the qualifications of  
107 this section may file ~~[or declare himself]~~ as a candidate for election to a school community  
108 council by submitting a written declaration of candidacy with the principal of the school or the  
109 principal's designee no later than 15 days before the date voting commences for the election.

110 (v) (A) If, after the close of the declaration of candidacy period, there is only one  
111 candidate for a council position that is up for election, that candidate shall be considered to  
112 have been elected to the council position.

113 (B) If there is no candidate for a council position that is up for election, the council  
114 position shall be filled according to the requirements of Subsection (5)(f).

115 ~~[(c) Written]~~ (d) The principal of the school, or the principal's designee, shall provide  
116 written notice of [the elections]:

117 (i) the date of the election to be held under [Subsections] Subsection (5)(a) [and (5)(b)]  
118 shall be given at least two weeks prior to the elections.]; and

119 (ii) the election to be held under Subsection (5)(b), which notice shall:

120 (A) include a list of qualified candidates that have filed by the deadline under  
121 Subsection (5)(c)(iv);

122 (B) include the dates, location, and hours that the voting will be open, which shall  
123 include evening hours;

124 (C) be provided to each school employee and to a parent or guardian of each student of  
125 the school not less than two weeks prior to the election; and

126 (D) be posted in an easily visible place near the school's main office.

127 (e) For elections held under Subsection (5)(b):

128 (i) The principal of the school, or the principal's designee, is the chief election judge  
129 for the election, and shall appoint not less than two other election judges.

130 (ii) The election judges shall oversee the election and shall ensure that:

131 (A) (I) at least one election judge is present during voting; and

132 (II) at least two election judges are present during the tabulation of results;

133 (B) only qualified individuals vote, using the list of qualified voters required under  
134 Subsection (5)(e)(iii);

135 (C) each voting individual casts only one ballot;

136 (D) each ballot is cast into a secure ballot box; and

137 (E) each ballot is accurately counted after the close of the election hours.

138 (iii) (A) The principal of the school, or the principal's designee, shall provide the  
139 materials, furniture, and equipment needed for the election under this section, which shall  
140 include a list of qualified voters, which contains the name of each school employee and each  
141 parent or guardian of each school student.

142 (B) An individual who wishes to vote shall sign the list of qualified voters next to their  
143 name before receiving a ballot.

144 (iv) Following the election, the election judges shall:

145 (A) tabulate the results;

146 (B) store the ballots, a copy of the results, and the signed list of qualified voters; and

147 (C) keep the documents for not less than 60 days.

148 ~~[(d)]~~ (v) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made  
149 available to the public upon request.

150           ~~[(e)]~~ (f) (i) If a parent or guardian position on a school community council remains  
151 unfilled after an election is held, the other parent or guardian members of the council shall  
152 appoint a parent or guardian who meets the qualifications of this section to fill the position.

153           (ii) If a school employee position on a school community council remains unfilled after  
154 an election is held, the other school employee members of the council shall appoint a school  
155 employee to fill the position.

156           (iii) The chair of the community council shall notify the local school board of each  
157 appointment made ~~[pursuant to]~~ under Subsection (5)~~[(e)]~~(f)(i) or (ii).

158           (iv) A member appointed to a school community council ~~[pursuant to]~~ under  
159 Subsection (5)~~[(e)]~~(f)(i) or (ii) shall serve a two-year term beginning July 1.

160           ~~[(f)]~~ (g) Initial terms shall be staggered so that no more than 50% of the council  
161 members stand for election in any one year.

162           ~~[(g)]~~ (h) Council members may serve up to three successive terms.

163           ~~[(h)]~~ (i) (i) Each school community council shall elect a chair and vice chair from its  
164 parent or guardian members and elected employee members.

165           (ii) No more than one parent or guardian member or elected employee member may at  
166 the same time serve as an officer specified in Subsection (5)~~[(h)]~~(i)(i).

167           (6) (a) A school community council may create subcommittees or task forces to:

168           (i) advise or make recommendations to the council; or

169           (ii) develop all or part of a plan listed in Subsection (3).

170           (b) Any plan or part of a plan developed by a subcommittee or task force shall be  
171 subject to the approval of the school community council.

172           (c) A school community council may appoint individuals who are not council members  
173 to serve on a subcommittee or task force, including parents, school employees, or other  
174 community members.

175           Section 2. **Coordinating H.B. 127 with H.B. 254 -- Merging substantive**  
176 **amendments.**

177           If this H.B. 127 and H.B. 254, School Community Council Amendments, both pass, it  
178 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in  
179 preparing the Utah Code database for publication, modify Subsection 53A-1a-108(5)(c)(iv) to  
180 read:

181       "(iv) Any person who meets the qualifications of this section may file as a candidate for  
182 election to a school community council by submitting a written declaration of candidacy with  
183 the principal of the school, or the principal's designee, no later than 15 days before the date that  
184 voting commences for the election."